

Part 3 Licensing

58-68-301 Licensure required -- License classifications.

- (1) A license is required to engage in the practice of osteopathic medicine on or for any person in Utah, as an osteopathic physician and surgeon, except as specifically provided in Section 58-1-307 or 58-68-305.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of osteopathic physician and surgeon.

Enacted by Chapter 248, 1996 General Session

58-68-302 Qualifications for licensure.

- (1) An applicant for licensure as an osteopathic physician and surgeon, except as set forth in Subsection (2), shall:
 - (a) submit an application in a form prescribed by the division, which may include:
 - (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant;
 - (ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant; and
 - (iii) authorization to use a record coordination and verification service approved by the division in collaboration with the board;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as an osteopathic physician and surgeon, as evidenced by:
 - (i) having received an earned degree of doctor of osteopathic medicine from an AOA approved medical school or college; or
 - (ii) submitting a current certification by the Educational Commission for Foreign Medical Graduates or any successor organization approved by the division in collaboration with the board, if the applicant is graduated from an osteopathic medical school or college located outside of the United States or its territories which at the time of the applicant's graduation, met criteria for accreditation by the AOA;
- (e) satisfy the division and board that the applicant:
 - (i) has successfully completed 24 months of progressive resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine required under Subsection (1)(d); or
 - (ii)
 - (A) has successfully completed 12 months of resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine as required under Subsection (1)(d);
 - (B) has been accepted in and is successfully participating in progressive resident training in an ACGME or AOA approved program within Utah, in the applicant's second or third year of postgraduate training; and
 - (C) has agreed to surrender to the division the applicant's license as an osteopathic physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative

Procedures Act, and has agreed the applicant's license as an osteopathic physician and surgeon will be automatically revoked by the division if the applicant fails to continue in good standing in an ACGME or AOA approved progressive resident training program within the state;

- (f) pass the licensing examination sequence required by division rule, as made in collaboration with the board;
 - (g) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board, if requested by the board;
 - (h) meet with the board and representatives of the division, if requested for the purpose of evaluating the applicant's qualifications for licensure;
 - (i) designate:
 - (i) a contact person for access to medical records in accordance with the federal Health Insurance Portability and Accountability Act; and
 - (ii) an alternate contact person for access to medical records, in the event the original contact person is unable or unwilling to serve as the contact person for access to medical records; and
 - (j) establish a method for notifying patients of the identity and location of the contact person and alternate contact person, if the applicant will practice in a location with no other persons licensed under this chapter.
- (2) An applicant for licensure as an osteopathic physician and surgeon by endorsement who is currently licensed to practice osteopathic medicine in any state other than Utah, a district or territory of the United States, or Canada shall:
- (a) be currently licensed with a full unrestricted license in good standing in any state, district or territory of the United States, or Canada;
 - (b) have been actively engaged in the legal practice of osteopathic medicine in any state, district or territory of the United States, or Canada for not less than 6,000 hours during the five years immediately preceding the day on which the applicant applied for licensure in Utah;
 - (c) comply with the requirements for licensure under Subsections (1)(a) through (d), (1)(e)(i), and (1)(g) through (j);
 - (d) have passed the licensing examination sequence required in Subsection (1)(f) or another medical licensing examination sequence in another state, district or territory of the United States, or Canada that the division in collaboration with the board by rulemaking determines is equivalent to its own required examination;
 - (e) not have any investigation or action pending against any health care license of the applicant, not have a health care license that was suspended or revoked in any state, district or territory of the United States, or Canada, and not have surrendered a health care license in lieu of a disciplinary action, unless:
 - (i) the license was subsequently reinstated as a full unrestricted license in good standing; or
 - (ii) the division in collaboration with the board determines, after full disclosure by the applicant, that:
 - (A) the conduct has been corrected, monitored, and resolved; or
 - (B) a mitigating circumstance exists that prevents its resolution, and the division in collaboration with the board is satisfied that, but for the mitigating circumstance, the license would be reinstated;
 - (f) submit to a records review, a practice review history, and physical and psychological assessments, if requested by the division in collaboration with the board; and
 - (g) produce evidence that the applicant meets the requirements of this Subsection (2) to the satisfaction of the division in collaboration with the board.

- (3) An applicant for licensure by endorsement may engage in the practice of medicine under a temporary license while the applicant's application for licensure is being processed by the division, provided:
 - (a) the applicant submits a complete application required for temporary licensure to the division;
 - (b) the applicant submits a written document to the division from:
 - (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, stating that the applicant is practicing under the:
 - (A) invitation of the health care facility; and
 - (B) the general supervision of a physician practicing at the health care facility; or
 - (ii) two individuals licensed under this chapter, whose license is in good standing and who practice in the same clinical location, both stating that:
 - (A) the applicant is practicing under the invitation and general supervision of the individual; and
 - (B) the applicant will practice at the same clinical location as the individual;
 - (c) the applicant submits a signed certification to the division that the applicant meets the requirements of Subsection (2);
 - (d) the applicant does not engage in the practice of medicine until the division has issued a temporary license;
 - (e) the temporary license is only issued for and may not be extended or renewed beyond the duration of one year from issuance; and
 - (f) the temporary license expires immediately and prior to the expiration of one year from issuance, upon notification from the division that the applicant's application for licensure by endorsement is denied.
- (4) The division shall issue a temporary license under Subsection (3) within 15 business days after the applicant satisfies the requirements of Subsection (3).
- (5) The division may not require a post-residency board certification as a requirement for licensure.

Amended by Chapter 162, 2012 General Session

Amended by Chapter 225, 2012 General Session

58-68-303 Term of license -- Expiration -- Renewal.

- (1)
 - (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
 - (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, the licensee shall show compliance with:
 - (a) continuing education renewal requirements; and
 - (b) the requirement for designation of a contact person and alternate contact person for access to medical records and notice to patients as required by Subsections 58-68-304(1)(b) and (c).
- (3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Amended by Chapter 94, 2005 General Session

58-68-304 License renewal requirements.

- (1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:

- (a) complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule in collaboration with the board;
 - (b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection 58-68-302(1)(i); and
 - (c) if the licensee practices osteopathic medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for access to medical records for the licensee in accordance with Subsection 58-68-302(1)(j).
- (2) If a renewal period is extended or shortened under Section 58-68-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.
- (3) An application to renew a license under this chapter shall:
- (a) require a physician to answer the following question: "Do you perform elective abortions in Utah in a location other than a hospital?"; and
 - (b) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of substantial and irreversible impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."
- (4) In order to assist the Department of Health in fulfilling its responsibilities relating to the licensing of an abortion clinic, if a physician responds positively to the question described in Subsection (3)(a), the division shall, within 30 days after the day on which it renews the physician's license under this chapter, inform the Department of Health in writing:
- (a) of the name and business address of the physician; and
 - (b) that the physician responded positively to the question described in Subsection (3)(a).

Amended by Chapter 161, 2011 General Session

Amended by Chapter 214, 2011 General Session

58-68-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

- (1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;
- (2) an individual administering a domestic or family remedy;
- (3)
 - (a)
 - (i) a person engaged in the lawful sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and
 - (ii) a person acting in good faith for religious reasons, as a matter of conscience, or based on a personal belief, when obtaining or providing any information regarding health care and the use of any product under Subsection (3)(a)(i); and
 - (b) Subsection (3)(a) does not:
 - (i) permit a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or

- (ii) prohibit providing truthful and non-misleading information regarding any of the products under Subsection (3)(a)(i);
- (4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief without the use of prescription drugs;
- (5) an individual authorized by the Department of Health under Section 26-1-30, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), or 72-10-502(5)(a)(vi);
- (6) a medical assistant while working under the indirect supervision of a licensed osteopathic physician, to the extent the medical assistant:
 - (a) is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of medicine;
 - (b) does not perform surgical procedures;
 - (c) does not prescribe prescription medications;
 - (d) does not administer anesthesia, anesthesia does not mean a local anesthetic for minor procedural use; and
 - (e) does not engage in other medical practices or procedures as defined by division rule in collaboration with the board;
- (7) an individual engaging in the practice of osteopathic medicine when:
 - (a) the individual is licensed in good standing as an osteopathic physician in another state with no licensing action pending and no less than 10 years of professional experience;
 - (b) the services are rendered as a public service and for a noncommercial purpose;
 - (c) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and
 - (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
- (8) an individual providing expert testimony in a legal proceeding; and
- (9) an individual who is invited by a school, association, society, or other body approved by the division in collaboration with the board to conduct a clinic or demonstration of the practice of medicine in which patients are treated, if:
 - (a) the individual does not establish a place of business in this state;
 - (b) the individual does not regularly engage in the practice of medicine in this state;
 - (c) the individual holds a current license in good standing to practice medicine issued by another state, district or territory of the United States, or Canada;
 - (d) the primary purpose of the event is the training of others in the practice of medicine; and
 - (e) neither the patient nor an insurer is billed for the services performed.

Amended by Chapter 262, 2013 General Session

58-68-306 Status of licenses held on the effective date of this chapter.

An individual holding a current license as an osteopathic physician that was issued under any prior state law is considered to hold a current license in the same classification under this chapter.

Enacted by Chapter 248, 1996 General Session